

REMARKS

After entry of the amendments made herein, Claims 1 – 6, 8 – 15, 17 – 22, 25 – 29 and 31 – 33, 36 – 40 are pending in the application. Claims 7, 16, 23 – 30, 34 and 35 have been cancelled. Claim 1 and claim 38 have been amended. No new claims have been added. No new matter has been added by virtue of the amendments or new claims, support being found throughout the specification and from the claims as filed.

Any cancellation of the claims should in no way be construed as acquiescence to any of the Examiner’s rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Claim Rejections

35 U.S.C. § 112, second paragraph

Claims 1 – 6, 8 – 15, 17 – 22, 31 – 33, 36 – 39 and 40 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action, p.2). Applicants respectfully traverse the rejection.

The Examiner argues that “the instant claims stand rejected for the language ‘the electric field minimizes the risk for unwanted fusion of surrounding cells,’ for the reasons set forth previously.” (Office Action, p.2). The Examiner argues that “(i)t is noted that Applicants have amended the claims to set forth a range of electric field strengths. However, the newly cited range is not clearly the same as those filed strength, or other properties, which would minimize the risk for unwanted fusion of surrounding cells.” (Office Action, p.2).

Without acquiescing to any validity of the Examiner’s rejection, and solely in the interest of advancing prosecution, Applicants have amended the claims to remove the language reciting that “the electric field minimizes the risk for unwanted fusion of surrounding cells.”

Applicants point out that an electric field which is of a strength sufficient to obtain fusion of the mammalian cell and the fusion partner, between 0.1 – 10 kV/cm, as claimed is taught in the specification, for example at page 8, lines 11 – 14 and in Example 1 on page 18, at line 14.

Accordingly, Applicants respectfully request that the foregoing rejection be withdrawn.

CONCLUSION

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

A one month extension of time is requested.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

The Director is hereby authorized to charge any credits or deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 59760 (47137).

Respectfully submitted,

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